

121 crossing.

122 (b) It is an affirmative defense to a violation of Subsection (2)(a) if the operator of a
 123 vehicle, facing a clearly visible electric or mechanical signal device described in Subsection
 124 (2)(a)(i):

125 (i) comes to a complete stop, as described in Subsection (2)(a);

126 (ii) determines that:

127 (A) the crossing gate described in Subsection (2)(a)(ii) has not been lowered or has
 128 been raised;

129 (B) no other vehicle that is entitled to have the right-of-way under applicable law is
 130 sitting at, traveling through, or approaching the intersection;

131 (C) no train is approaching or passing; and

132 (D) no pedestrians are attempting to cross at or near the intersection in the direction of
 133 travel of the operator; and

134 (iii) cautiously enters the intersection and proceeds across the roadway.

134a **H→ (c) A railroad operator or railroad company shall not be liable for damage, injury, or**
 134b **death arising from a vehicle operator's entry into the intersection as described in Subsection**
 134c **(2)(b).** ←H

135 (3) (a) An operator of a vehicle who suspects a false activation or malfunction of a
 136 railroad grade crossing signal device where there is no gate or barrier may drive a vehicle
 137 through the railroad grade crossing after stopping if:

138 (i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad
 139 tracks in all directions;

140 (ii) there is no evidence of an approaching train;

141 (iii) the vehicle can cross over the tracks safely; and

142 (iv) the operator of a school bus is compliant with written district policy.

143 (b) As soon as is reasonably possible, the operator of a school bus shall notify the
 144 driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the
 145 grade crossing signal device is located of the false activation or malfunction.

146 (4) (a) A person may not drive a vehicle through, around, or under a crossing gate or
 147 barrier at a railroad grade crossing if the railroad grade crossing is active.

148 (b) A person may not cause a non-rail vehicle, whether or not occupied, to pass
 149 through, around, over, or under or remain on a gate or barrier at a railroad grade crossing if the
 150 railroad grade crossing is active.

151 (c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around,